

Chief District Judge Ricardo S. Martinez  
Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MRUGESHKUMAR RAMANIAL PATEL,

Petitioner,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, et al.,

Respondents.

NO. 2:20-cv-00474-RSM-BAT

Stipulated Motion to Dismiss  
Habeas Petition and Lift Order  
Staying Removal

Note on Motion Calendar:  
April 27, 2020

Petitioner Mrugeshkumar Ramanial Patel (Mr. Patel) and Respondents stipulate and move to dismiss Mr. Patel's habeas petition and lift the stay of removal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Local Civil Rule 10(g), without fees or costs. Mr. Patel's habeas petition sought review of the procedures that led to U.S. Citizenship and Immigration Services' (USCIS) determination (and an immigration judge's affirmation of the determination) that he lacked a credible fear of persecution if he returned to India. Dkt. no. 1. He also sought and obtained an order temporarily staying his removal. Dkt. nos. 2 & 3. USCIS has since placed Mr. Patel in full removal proceedings. As such, he is

no longer subject to an order of removal and the Court's order staying removal should be lifted. Accordingly, the parties stipulate as follows:

1. Mr. Patel's habeas petition is dismissed without prejudice;
2. This Court's temporary stay of Mr. Patel's removal [dkt. no. 3] is lifted;  
and
3. All parties shall bear their own attorney fees and costs.

DATED this 27th day of April 2020.

Respectfully submitted,  
BRIAN T. MORAN  
United States Attorney

s/ Jennifer Lesmez  
JENNIFER LESMEZ, WSBA #34537  
Law Offices of Jennifer Lesmez  
P.O. Box 1797  
Allyn, WA 98524  
Phone: 509-424-8697  
Fax: 253-295-4612  
Attorney for Petitioner

s/ Kyle A. Forsyth  
KYLE A. FORSYTH, WSBA #34609  
Assistant United States Attorney  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
Phone: 206-553-7970  
Fax: 206-553-4067  
Email: kyle.forsyth@usdoj.gov

IT IS SO ORDERED.

ENTERED this 28<sup>th</sup> day of April 2020.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE